IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 6777 OF 2005**

Vaibhav Suhas Kulkarni ...Petitioner

**Versus**

The State of Maharashtra & Ors. ...

Respondents

WITH
**WRIT PETITION NO. 6778 OF 2005**

Mahesh Maruti Nanavare ...Petitioner

**Versus**

The State of Maharashtra & Ors. ...
Respondents

WITH
**WRIT PETITION NO. 6779 OF 2005**

Amol Bhanudas More ...Petitioner

**Versus**

The State of Maharashtra & Ors. ...
Respondents

WITH
**WRIT PETITION NO. 6780 OF 2005**

Hanumant Mohanrao Jagtap ...Petitioner

**Versus**

The State of Maharashtra & Ors. ...
Respondents

IN ALL MATTERS:

Mr. M. Patil for the Petitioners
Mr. R.D. Rane, Government Pleader, with Mr. P.I. Khemani, Assistant Government Pleader, for Respondent No. 1.

**CORAM: V.G. PALSHIKAR, Ag.C.J., & D.B. BHOSALE, J.**

**DATE: NOVEMBER 19, 2005.**

**P.C.:-**

1. By these petitions, the petitioners have challenged the action of the Government in not granting them appointments on compassionate ground.

2. A reply has been filed on behalf of the State, pointing out the entire process undertaken by the State right from the year 1974 for granting immediate relief to family of a bereaved Government servant. From time to time, the higher limit of income of the family was raised, which is presently standing at Rs.1,00,000/- per year. Several other facilities were given and ultimately, in the year 2005, on 22nd August, a comprehensive Government Resolution (G.R.) is issued, whereunder a family member of the Government servant, who is declared medically unfit and retired from service, is not eligible for appointment on compassionate ground. It is unfortunate that under this latest G.R., the petitioners were held ineligible for appointment on compassionate ground.

However, no fault can be found in this action of the Government. The basic reason for providing appointment on compassionate ground is to give some monetary benefit to a family of a bereaved servant to tide over the bereavement period. Different set of rules has been made. All these rules are an exception to the mandate of Article 16 of the Constitution of India, which requires that there shall be equality of opportunity in the matter of public employment. Consequently, every such rule, making a deviation from the Constitution, has to be construed strictly. It is also pointed out that the G.R. of 22nd August, 2005 is liable to be strictly implemented. No fault can be found with the rules and the G.R.

3. There is, therefore, no substance in the petitions. The same are rejected.